

REMARKS

Claims 17 and 23-26 have been amended, and new claims 28 and 29 have been added. Claims 17-29 are now pending for the Examiner's consideration.

Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, in light of the foregoing amendments and following remarks.

The specification has been amended on page 1 to correct and update the priority claim. On pages 2 and 9, paragraphs have been amended to correct literature citations. The specification has further been amended in several places to insert SEQ ID No designations. No new matter is added.

The claims have been amended in various places for clarity. New claims 28 and 29 have been added to recite particular receptor tyrosine kinases. No new matter is added. For the reasons that follow, Applicants believe all claims are now in condition for allowance.

Information Disclosure Statement

In the Form 1449 returned as an attachment to the Office Action, Applicants note that references AA1-AD1 on page 1 of the submission, were not initialed by the Examiner. A copy of the returned 1449 is attached hereto. Applicants would appreciate the Examiner's indication that these references have been considered by initialing the references and returning a copy with the next correspondence.

Sequence Rules

The Examiner indicates on page 2 of the Office Action that the application fails to comply with 37 CFR 1.821 through 1.825, for the reasons set forth on the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures attached to the Office Action. Applicants submit concurrently herewith a Request to Open New Disk File and a paper copy of the sequence listing. Applicants further note that the specification has been amended in several places to insert SEQ ID No. designations.

Claim Objections

Claim 17 and 24-26 were objected to because of several acronyms as set forth on page 2 of the Office Action. These claims have been amended to define the acronyms, as suggested by the Examiner. Applicants respectfully request that the objection be withdrawn.

Rejection under 35 U.S.C. § 112

Claims 17-27 were rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth on page 3 of the Office Action. Claim 17 has been amended to clarify that the interaction is between the modified RTK, which comprises an α helix D, an α helix E and a truncated kinase insert domain linking the α helices D and E, and the compound. Claims 23, 25 and 26 have been amended to recite that the RTK polypeptide is the modified RTK polypeptide. Applicants believe

that these claim amendments overcome the rejection under § 112, and respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 17-24 were rejected under 35 U.S.C. § 102(e) as anticipated by Williams et al., U.S. Patent No. 6,043,211 ("Williams"), for the reasons set forth on pages 3-4 of the Office Action. Applicants respectfully traverse.

Williams teaches a mutated PDGF protein and refers generically to x-ray crystallography in, for example, column 30, lines 61-65. The passing reference to x-ray crystallography does not teach or suggest that the mutated protein of Williams is in fact suitable for x-ray crystallography; i.e., that the mutated protein has properties that will allow the protein to crystallize. In contrast, Applicants' inventive methods produce modified RTK polypeptides that in fact form crystals suitable for x-ray crystallography. Claim 17 has been amended to further clarify the crystallizability. Since Williams does not teach the claimed method including a crystallizable modified RTK polypeptide, there can be no anticipation, and Applicants respectfully request that the rejection under § 102 be withdrawn.

Rejection under 35 U.S.C. § 103

Claims 20 and 21 were rejected under 35 U.S.C. § 103 as being unpatentable over Williams et al., for the reasons set forth on pages 5-6 of the Office Action. Applicants respectfully traverse.

As discussed above in connection with claim 17, Williams does not teach or suggest the claimed method including a crystallizable modified RTK polypeptide. Since claims 20 and 21 include the limitations of claim 17 from which they depend, Applicants respectfully request that the rejection under § 103 be reconsidered and withdrawn.

Double Patenting Rejection

Claims 25 and 26 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting and being unpatentable over claim 3 of copending Application Nos. 09/939,833, 09/939,832, and 09/939,754, for the reasons set forth on pages 6-7 of the Office Action. Preliminary amendments were filed in the '833 and '754 applications August 28, 2001, canceling the cited claim 3. Applicants thus believe the rejections over the '833 and '754 applications do not apply to the claims now presented, and respectfully request that it be withdrawn.

With regard to the '832 application, Applicants note that the '832 application is the present application and believe the Examiner may have intended to cite Application No. 09/506,906, which is a continuation of the common parent application. However, in order to address the merits of the provisional rejection, Applicants require clarification.


Conclusion

Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiners satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicant hereby petitions), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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